

In The United States District Court

Western District of New York

Aaron Hicks,

petitioner,

v.

Case No. 15-cr-33 A

United States of America,

November 25, 2024

respondent,



Motion Respectfully Requesting this District Court to make a decision, granting Petitioner's Recusal Motion, DKT# 1022

Now comes the Defendant/Petitioner, Aaron Hicks, Hereinafter, "Hicks", pro se hereby moves this honorable court to make a decision granting Hicks Motion for Recusal in which was filed on August 14, 2023.

I. Standards

Mr. Hicks, submits this filing without having any formal training or study in the science of law. Per Supreme Court, pleadings filed by pro se litigants are to be liberally construed as to do justice and held to less standards than that of trained Attorneys. See *Haines v. Kerner*, 404 US 519, 520 (1972); *Erickson v. Pardus*, 551 US 89, 94 (2007); *Harris v. Miller*, 818 F.3d 49 (2nd Cir., 2016).

II. Argument/Request

Petitioner filed a Motion for Recusal on August 14, 2023 (dkt#1022); this court set a date for the government's response, the government then asked for an extension of time, which was granted by this court. (See Document #1025). It Should also be noted that before the government filed their response to Hicks Recusal motion, the government requested and was granted by this court a 60 day extension to reply to defendants 2255 motion to vacate conviction.(See DKT#1012).

Since the filing of Hicks Recusal motion the government again requested that significant, various response deadlines be held in abeyance until this Court makes a decision on Hicks motion for Recusal. These motion held in abeyance include; Defendants 2255 petition,Dkt#964 & 1005; Defendants motion to allow discovery of jury selection transcripts, DKT#1015; and Defendants motion for relief under Rule 60(b) and Rule 59(a), DKT#1021. This Court again granted the government's request. See text order #1027.

Because of the serious allegations spelled out in the Defendants motions listed above, it is imperative that these motions be litigated in a timely manner for it is in the interest of Justice.

Exparte-off the record communication...Such communications are disfavored, and the communication here was ill-advised under the circumstances. U.S. v. Rechnitz, July 26, 2023,

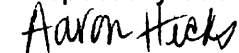
75F. 4th 131. "the preferred way to proceed in criminal cases is under the assumption that nothing is off the record". U.S. v. Amico, 486 F. 3d 764, 779 (2d Cir., 2007).

III. Conclusion

To conclude, Hicks motion for Recusal has been sitting for an inordinate amount of time and all of the Defendants related motions listed above are delayed because of it.

For the reasons stated above herein above and also in Hicks recusal motion [1022], Defendant respectfully requests this court to make a timely decision and grant his motion for recusal for it is in the interest of justice.

Respectfully Submitted,



Aaron Hicks #23995-055

Certificate of Service

I, Aaron Hicks, hereby certify that I mailed a copy of this document to the U.S. Attorney's office on November 26, 2023 using the FCI Memphis prison mail system.

Aaron Hicks 23995-055
Aaron Hicks

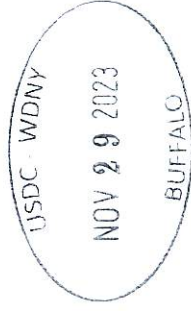
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